



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 19, 1992

Mr. M. B. Donaldson, Jr.  
Superintendent of Schools  
Aldine Independent School District  
14910 Aldine Westfield Road  
Houston, Texas 77032-3099

OR92-355

Dear Mr. Donaldson:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 14843.

The Aldine Independent School District received a request under the Open Records Act for two kinds of reports held by the board of trustees of the school district. These are student expulsion orders issued by the board's designated hearing officer and monthly security reports prepared by the school district police department, which investigates property crimes on school district property. You claim that these records are excepted from required public disclosure under the Open Records Act by sections 3(a)(1), 3(a)(8), and 3(a)(14).

We will first consider the application of these exceptions to the student expulsion orders issued by the board's hearing officer. This question has been resolved by previous determinations of this office. Information concerning disciplinary action taken against an identifiable student is excepted from required disclosure under section 3(a)(14) of the Open Records Act, and disclosing this information would be contrary to the provisions of the Family Educational and Privacy Rights Act of 1974, 20 U.S.C. § 1232g, and therefore contrary to section 14(e) of the Open Records Act. Attorney General Opinion H-447 (1974); Open Records Decision No. 477 (1987); *see* Open Records Decision No. 165 (1977) at 3-4. Accordingly, you may not disclose this information.

We next consider whether section 3(a)(8), the "law enforcement" exception, permits you to withhold the monthly security reports from the requestor. This exception applies to

records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

V.T.C.S. art. 6252-17a, §3 (a)(8).

We must first determine whether the school district can be characterized as a "law enforcement" agency within section 3(a)(8). Section 21.483 of the Education Code authorizes the board of trustees of any school district to employ campus security personnel to carry out Education Code provisions relating to the protection of school district buildings and grounds. Educ. Code §§ 21.481 - 21.490; Attorney General Opinion JM-239 (1984); *see also* Educ. Code § 21.308 (school board may employ security personnel). An officer commissioned by the board of trustees under section 21.483 "is vested with all the powers, privileges, and immunities of peace officers while on the property under the control and jurisdiction of the district or otherwise in the performance of his duties." Educ. Code § 21.483.

In Open Records Decision No. 205 (1978), this office determined that a university police department was a "law enforcement unit of an education agency" within the Family Educational Rights and Privacy Act. *See* 20 U.S.C. § 1232g(a)(4)(B)(ii). In support of this conclusion, Open Records Decision No. 205 cited sections 51.201 through 51.203 of the Education Code, which authorize institutions of higher education to employ campus security personnel to protect buildings and grounds. Since the Aldine Independent School District has similar authority under section 21.483 of the Education Code to employ security personnel and commission them as peace officers, we believe that the district police department is a law enforcement agency for purposes of section 3(a)(8), and that the school district may invoke section 3(a)(8) with respect to records of its police department.

Not all of the information in the security reports will necessarily be excepted from disclosure under the Open Records Act. *See* Open Records Decision Nos. 366 (1983); 127 (1976). The security reports include the following information: the date, place, and description of each illegal activity, whether security personnel or devices

are deployed at the location, the case number, and the name, address, and birth date and description of the suspect if one is apprehended.

It is well established that the public is entitled to inspect and copy certain information in a police department's records of a crime that is still under investigation. *See Heard v. Houston Post. Co.*, 684 S.W.2d 210 (Tex. App.--Houston [1st Dist.] 1984, writ ref'd n.r.e.); *City of Houston v. Houston Chronicle Publishing Co.*, 673 S.W.2d 316 (Tex. App.--Houston [1st Dist.] 1984, no writ); Open Records Decision No. 366 (1983). The information that is available to the public is generally found on the first page of a police department offense report. It includes the following items of information that are also found on the security report you have submitted:

name, age, address, race, sex of arrested person

details of arrest

location of crime

premises involved

time of crime

property involved

Open Records Decision No. 127 (1976).

The above items of information are available for each incident reported on your security report. Information as to whether or not the area was protected by a security device or security personnel may be withheld. The requestor states that she did not ask for confidential information, such as names of students. If any names of students appear in the requested security reports, you may withhold them as "student records" pursuant to section 3(a)(14) of the Open Records Act.

Because prior published attorney general opinions and open records decisions establish the status of the requested records under the open records act, we are resolving your question by this informal letter ruling rather than with a published open records decision. Copies of the decisions we have relied upon are included. If you have questions about this ruling, please refer to OR92-355.

Yours very truly,



Susan Garrison  
Assistant Attorney General  
Opinion Committee

SG/lmm

Ref.: ID# 14843  
ID# 14983  
ID# 15042  
ID# 15229

Enclosure: Attorney General Opinion H-447  
Open Records Decision Nos. 477, 205, 165, 127

cc: Ms. Brenda Truitt  
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(w/o enclosures)